

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

J. JESUS ARRIAGA-ABONCE,

Plaintiff,

v.

No. 1:20-cv-00113-KG-JHR

RICHARD WILLIAMSON,

Defendant.

MEMORANDUM OPINION AND ORDER OF DISMISSAL

THIS MATTER comes before the Court on Plaintiff's Objection, Doc. 7, filed April 6, 2020.

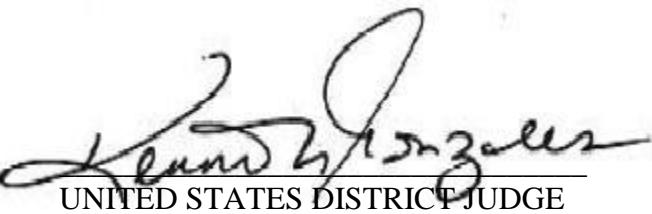
Plaintiff filed his Complaint using a "Sworn Statement" form. The Complaint: (i) references five cases in state court; (ii) asserts that the "Officers of the court involved in the above cited case numbers wantonly violate Articles 6 & 11 of the Lieber Code; as well as Article VI and 14th. Amendment of the Constitution of the United states in new mexico [sic] courtrooms flying National Color;" (iii) alleges that "Officers of the Court ... are simulating [sic] legal process in contempt of the dignity of the Supreme Court ... using instrumentalities of interstate commerce and the Federal Postal Service for fraud and swindles, stole our identity, violated our civil liberties and violated our protective rights which are protected by the Constitution of the United States; (iv) states "prosecutor Lawrence Guzzardo Badge # 434 State Police, and John R, Chavez Magistrate Judge ordered the kidnapping of [Plaintiff];" and (v) appears to allege that he was injured "while been placed on the Belen police car." [sic] Complaint at 1-3, Doc. 1, filed February 7, 2020.

The Court notified Plaintiff that the Complaint: (i) fails to state claims for constitutional violations and violations of federal law because many of the allegations in the Complaint are conclusory; (ii) fails to state a claim under 42 U.S.C. § 1983 against the “Officers” of the state court because they are immune from monetary damages claims for actions taken in their judicial and prosecutorial capacity; and (iii) does not provide an adequate description or other information regarding the unknown Defendants so that service of process can at least be attempted, and has not indicated that he made any inquiry to determine the identity of the unknown Defendants. *See* Doc. 5, filed March 16, 2020. The Court granted Plaintiff leave to file an amended complaint and notified Plaintiff that failure to timely file an amended complaint may result in dismissal of this case. *See* Doc. 5 at 6, filed March 16, 2020.

Plaintiff did not file an amended complaint by the April 6, 2020, deadline. Instead, he filed his Objection which states, among other things: (i) Plaintiff “is the Judge presiding in this Superior Court of Record on HIS OWN VENUE;” (ii) Plaintiff “asked the Honorable Jerry H. Ritter and or the Honorable John F. Robbenhaar to proceed in a ministerial duty and acknowledge the forensic evidence contained in the record;” (iii) “the Honorable Jerry H. Ritter has no jurisdiction whatsoever over the Honorable [Plaintiff’s] Venue in this Superior Court of Record, [Plaintiff] IS THE JUDGE” and all judging by the Honorable Jerry H. Ritter is hereby rejected for lack of Jurisdiction except for the analysis where One Jerry H. Ritter’s proper analysis of the Law regarding fictitious plaintiff and unknown defendants and until One Jerry H. Ritter registers with this Superior Court of Record and is fully compliant, pursuant the replevin and performance bonds as indicated;” and (iv) Plaintiff “IS A SPECIAL MASTER IN COMMON LAW AND A FEDERAL-POSTAL-JUDGE, Sui Juris, presiding in this Superior Court of Record and NEVER PETITIONED for a judge.” Objection at 1-4.

The Court dismisses this case because: (i) the Complaint fails to state a claim upon which relief can be granted; (ii) Plaintiff failed to file an amended complaint after being notified that failure to file an amended complaint may result in dismissal of this case; and (iii) Plaintiff's Objection does not set forth any argument or legal authority showing that the case should not be dismissed.

IT IS ORDERED that this case is dismissed without prejudice.



UNITED STATES DISTRICT JUDGE